

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

No. 23-mj-30263

v.

HON. CURTIS IVY, JR.  
United States Magistrate Judge

NICKOLAS PATRICK HIPPS,

Defendant.

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STIPULATION EXTENDING THE TIME IN WHICH AN INDICTMENT  
MUST BE RETURNED AND FOR A FINDING OF EXCLUDABLE DELAY

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The parties jointly submit this stipulation and request that the Court and continue the time in which an indictment must be returned for at least 30 days and find that the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment.

Ordinarily, an indictment must be returned within thirty days from the date on which a defendant is arrested on a complaint. 18 U.S.C. § 3161(b). That period may be continued by the Court, however, and under some circumstances the resulting period of delay may be found to be excludable delay for purposes of the 30-day clock of § 3161(b). 18 U.S.C. § 3161(h)(7)(A).

Defendant first appeared on the criminal complaint on July 6, 2023. Defendant was released on a \$10,000 unsecured bond with conditions. A preliminary examination is currently scheduled for July 20, 2023.

The parties' reasons for the continuance and for a finding of excludable include that the parties need additional time to review and evaluate the discovery materials in this matter.

The parties further stipulate and request that the Court find that, in light of the factors set forth in § 3161(h)(7)(B), the ends of justice served by this continuance outweigh the best interests of the defendant and the public in a speedy indictment, and that such time should therefore be excluded from the time within which an indictment must be filed. *See* 18 U.S.C. § 3161(h)(7)(A) (allowing for periods of excludable delay). And the parties agree that failure to grant a continuance would likely make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

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ORDER CONTINUING THE TIME IN WHICH AN INDICTMENT MUST BE  
FILED AND FINDING EXCLUDABLE DELAY

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The Court has considered the parties' stipulation and joint motion to continue for an additional 30 days the time-period in which an indictment must be filed and hereby grants that request. For the reasons described in the parties' submission, the Court further finds that failure to grant a continuance would likely make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

Accordingly, the Court finds, after considering the factors set forth in 18 U.S.C. § 3161(h)(7)(B), that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy indictment and that the 30-day continuance qualifies as excludable delay under 18 U.S.C. § 3161(h)(7)(A).

IT IS THEREFORE ORDERED that the time in which the government must return an indictment and the preliminary hearing date are extended by an additional 30 days, and that the time period between August 5, 2023, the date on which an indictment was otherwise required to be filed under 18 U.S.C. § 3161(b) and September 4, 2023, is excludable under 18 U.S.C. § 3161(h).

IT IS FURTHER ORDERED that the following deadlines will apply to these proceedings:

**Preliminary Hearing: August 24, 2023 at 1:30 pm**

**Time in Which to Indict: September 4, 2023**

s/Curtis Ivy, Jr.  
CURTIS IVY, JR.  
United States Magistrate Judge

Entered: July 19, 2023